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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/770,491

01/29/2001

Janne Kallio

59864 00527

7373

32294 7590 10/23/2007
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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/770,491

Applicant(s)

KALLIO, JANNE

Examiner

Stephen M. D'Agosta

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-33, 35-43, 45-56 and 58-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-33, 35-43, 45-53, 55-56 and 58-60 and 62-75 is/are rejected.
- 7) ☒ Claim(s) 54 and 61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10-4-2007 have been fully considered but they are not persuasive.

1. The applicant argues that the prior art does not reject the claims. The examiner disagrees since all claims presented must be given their broadest reasonable interpretation. The claims, as shown for example below by claim 31, use wording that does not rule out the examiner from giving the applicant broad art and broad interpretations:

"..31. (Previously Presented) An apparatus for a first telecommunication network, the apparatus comprising:

a data store to store a cell identity information for a cell of the first telecommunication network using a cell identity information structure of a second telecommunication network, wherein the apparatus is configured to allow the cell of the first telecommunication network to be identified as a neighboring cell by the second telecommunication network".

As seen above, a data store is used to store cell identity information from a first network using a cell identity of the second network AND to be configured to allow the cell to be identified as a neighboring cell by the second network.

2. Firstly, the second phrase *"wherein the apparatus is configured to allow the cell of the first telecommunication network to be identified as a neighboring cell by the second telecommunication network"* does not empirically stipulate that the cell of the first telecomm network is identified using said cell identity that is stored in the data store as

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being part of the second network. The claim merely states that the first cell is identified as neighboring the second network. The examiner asks, "is the first telecom network being identified as a neighbor using it's 'original' cell identity or as a cell identity in the data store represented as being 'part of the second telecom network'?" The claim does not stipulate, hence the examiner's art reads on using first and second cell identities and also on storing a first cell identity using a cell identity of the second network.

3. It is the examiner's position that the claim would need to be amended to fully recite a concept as argued by the applicant in their response as follows:

*"..An apparatus for a first telecommunication network, the apparatus comprising:
a data store to store a cell identity information for a cell of the first telecommunication network using a cell identity information structure of a second telecommunication network, wherein the apparatus is configured to allow the cell of the first telecommunication network to be identified as a neighboring cell by the second telecommunication network using said cell identity in the data store identifying said second telecomm network identity for the cell of the first telecom network".*

This proposed phraseology empirically states that the stored cell identity, which converts the cell of the first network to "look like" a cell of the second network, is being used to identify the cell of the first network as being a neighboring cell by the second network. Without this highly important limitation, the claim can be merely interpreted as allowing a cell of a first network to be identified as a neighbor to a second network which can easily occur if/when two networks are near each other (and that the mobile has dual transceivers to use the two networks).

4. It is the examiner's opinion that the claims do not "tie together" the concepts of storing the identity of a cell (1st network) in terms of a second network and then using that stored cell identity to identify itself as neighbor cell by the second network.

5. The examiner believes the applicant's arguments are moot based on the above interpretation(s).

6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It appears that the arguments focus on each piece of art and a "selected deficiency" rather than the identified pieces in combination. One skilled would combine the references cited to arrive at the claimed invention – Ray clearly teaches a data store and first second networks **but is silent on** using the second cell identity structure whereby the examiner added in teachings from Ritter, Vikberg and Keski-Heikkila to show that it is know to translate various network architecture data.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER

SD
10-12-07